

IC 20-12

ARTICLE 12. HIGHER EDUCATION

IC 20-12-0.5

Chapter 0.5. Commission for Higher Education

IC 20-12-0.5-1

Definitions

Sec. 1. As used in this chapter:

"Commission" refers to the commission for higher education.

"State educational institution" means any university, college, or other educational institution, existing on or after March 29, 1971, in Indiana, for the purpose of providing programs of collegiate or university education or other postsecondary education and which is supported in whole or in part by appropriations made by the general assembly.

"Vocational education" means any postsecondary vocational, agricultural, occupational, manpower, employment, or technical training or retraining of less than a baccalaureate level that:

- (1) is offered by a state educational institution; and
- (2) enhances an individual's career potential.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.217-1987, SEC.15.

IC 20-12-0.5-2

Commission

Sec. 2. Commission. There is hereby created an instrumentality and an agency of the State of Indiana, to be known as the "Commission for Higher Education of the State of Indiana."

(Formerly: Acts 1971, P.L.326, SEC.1.)

IC 20-12-0.5-3

Purposes

Sec. 3. The general purposes of the commission are the following:

- (1) Plan and coordinate Indiana's state supported system of postsecondary education.
- (2) Review appropriation requests for postsecondary education.
- (3) Make recommendations to the governor, budget agency, or the general assembly concerning postsecondary education.
- (4) Perform other functions assigned by the governor or the general assembly, except those functions specifically assigned by law to the commission on vocational and technical education within the department of workforce development.

(Formerly: Acts 1971, P.L.326, SEC.1; Acts 1975, P.L.227, SEC.2.) As amended by P.L.217-1987, SEC.16; P.L.21-1995, SEC.57.

IC 20-12-0.5-4

Status

Sec. 4. The commission shall be treated as a public institution for the purposes of IC 5-11-1 and subject to the jurisdiction of the state

board of accounts as provided in that chapter. IC 4-13-1, IC 4-13-2, and IC 4-13.6 apply to the commission only to the same extent as these provisions apply to state educational institutions.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.24-1985, SEC.20.

IC 20-12-0.5-5

Membership

Sec. 5. (a) The commission shall consist of fourteen (14) members, citizens of Indiana, appointed by the governor.

(b) Each congressional district shall be represented by at least one (1) member who resides in the congressional district. In addition, one (1) member must be a student and one (1) member must be a full-time faculty member of a higher education institution (as defined in IC 20-12-5.5-1) who shall be appointed by the governor under the procedures set forth in this section.

(c) Except for the one (1) full-time faculty member and the one (1) student member appointed under subsection (b), no member while serving a term may be an employee of or serve on the governing board of any state or private college or university in Indiana.

(d) The governor shall appoint the student member and the full-time faculty member of the commission from a list for each appointment that:

- (1) contains at least three (3) names but not more than five (5) names; and
- (2) is submitted by a nominating committee established under subsection (e).

(e) The chairman of the commission shall appoint ten (10) members of the nominating committee as follows:

- (1) Five (5) students from state educational institutions, with not more than one (1) student from any one (1) state educational institution.
- (2) Five (5) full-time faculty members from state educational institutions, with not more than one (1) full-time faculty member from any one (1) educational institution.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.127-1990, SEC.1; P.L.206-1995, SEC.1; P.L.136-1999, SEC.1.

IC 20-12-0.5-5.5

Membership not public office

Sec. 5.5. (a) Membership on the commission does not constitute holding a public office.

(b) A commission member is not required to take and file an oath of office before serving as a commission member.

(c) Except as provided in this chapter, a commission member:

- (1) is not disqualified from holding a public office or position by reason of appointment to or membership on the commission; or
- (2) does not forfeit an office, a position, or an employment by reason of an appointment to the commission.

As added by P.L.136-1999, SEC.2.

IC 20-12-0.5-6

Appointments

Sec. 6. (a) All appointments to the commission shall be for four (4) year terms, except:

- (1) the student member who has a term of two (2) years; and
- (2) the full-time faculty member who has a term of two (2) years.

(b) The governor shall promptly make appointments to fill vacancies for the duration of unexpired terms in the same manner as the original appointments.

(c) The term of a member begins on July 1 of the year of appointment and continues until a successor has been appointed.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.127-1990, SEC.2; P.L.206-1995, SEC.2.

IC 20-12-0.5-7

Organization

Sec. 7. Organization. The commission shall elect from its membership a chairman and vice-chairman, and other necessary officers. Members shall receive per diem, lodging, and mileage for attendance at regular or special meetings and shall be reimbursed for necessary expenses incurred on other official duties.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.136-1999, SEC.3.

IC 20-12-0.5-8

Powers

Sec. 8. The commission shall have the following powers and duties:

(1) To develop, continually keep current, and implement a long range plan for postsecondary education. In developing this plan, the commission shall take into account the plans and interests of the state private institutions, anticipated enrollments in state postsecondary institutions, financial needs of students and other factors pertinent to the quality of educational opportunity available to the citizens of Indiana. The plan shall define the educational missions and the projected enrollments of the various state educational institutions.

(2) To consult with and make recommendations to the commission on vocational and technical education within the department of workforce development on all postsecondary vocational education programs. The commission shall biennially prepare a plan for implementing postsecondary vocational education programming after considering the long range state plan developed under IC 20-1-18.3-10. The commission shall submit this plan to the commission on vocational and technical education within the department of workforce development for its review and recommendations, and shall specifically report on how the plan addresses preparation for employment.

(3) To make recommendations to the general assembly and the governor concerning the long range plan, and prepare to submit drafts and proposed legislation needed to implement the plan. The commission may also make recommendations to the general

assembly concerning the plan for postsecondary vocational education under subdivision (2).

(4) To review the legislative request budgets of all state educational institutions preceding each session of the general assembly and to make recommendations concerning appropriations and bonding authorizations to state educational institutions including public funds for financial aid to students by any state agency. The commission may review all programs of any state educational institution, regardless of the source of funding, and may make recommendations to the governing board of the institution, the governor, and the general assembly concerning the funding and the disposition of the programs. In making this review, the commission may request and shall receive, in such form as may reasonably be required, from all state educational institutions, complete information concerning all receipts and all expenditures.

(5) To submit to the commission on vocational and technical education within the department of workforce development for its review under IC 20-1-18.3-15 the legislative budget requests prepared by state educational institutions for state and federal funds for vocational education. These budget requests shall be prepared upon request of the budget director, shall cover the period determined by the budget director, and shall be made available to the commission within the department of workforce development before review by the budget committee.

(6) To make, or cause to be made, studies of the needs for various types of postsecondary education and to make recommendations to the general assembly and the governor concerning the organization of these programs. The commission shall make or cause to be made studies of the needs for various types of postsecondary vocational education and shall submit to the commission on vocational and technical education within the department of workforce development its findings in this regard.

(7) To approve or disapprove the establishment of any new branches, regional or other campuses, or extension centers or of any new college or school, or the offering on any campus of any additional associate, baccalaureate, or graduate degree, or of any additional program of two (2) semesters, or their equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school, or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission.

(8) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering

funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

(9) To designate and employ an executive officer and necessary employees, to designate their titles, and to fix the compensation in terms of the employment.

(10) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

(11) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

(12) To develop a definition for and report biennially to the:

(A) general assembly;

(B) governor; and

(C) commission on vocational and technical education within the department of workforce development;

on attrition and persistence rates by students enrolled in state vocational education.

(Formerly: Acts 1971, P.L.326, SEC.1; Acts 1975, P.L.242, SEC.1.) As amended by P.L.217-1987, SEC.17; P.L.21-1995, SEC.58.

IC 20-12-0.5-8.5

Application of section; procurement contracts; trust bid, proposal, or quotation

Sec. 8.5. (a) This section applies whenever a contract for the procurement of property for the commission is awarded under this chapter by acceptance of bids, proposals, or quotations.

(b) A bid, proposal, or quotation submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(1) beneficiary of the trust; and

(2) settlor empowered to revoke or modify the trust.

As added by P.L.336-1989(ss), SEC.34.

IC 20-12-0.5-9

Repealed

(Repealed by P.L.136-1999, SEC.5.)

IC 20-12-0.5-10

Restrictions; appropriations

Sec. 10. Restrictions: appropriations. The commission shall not have the authority to obligate any tax funds or other funds of the state except such as shall have been appropriated to the commission by the General Assembly.

(Formerly: Acts 1971, P.L.326, SEC.1.)

IC 20-12-0.5-11

Management of state educational institutions

Sec. 11. The commission shall have no powers or authority relating to the management, operation, or financing of Ball State University, Indiana University, Indiana State University, Purdue University, Vincennes University, Ivy Tech State College, the University of Southern Indiana, or any other state educational institution except as expressly set forth in this chapter. All of the particulars, management, operations, and financing of all state educational institutions shall remain exclusively vested in the trustees or other governing boards or bodies of these institutions.

(Formerly: Acts 1971, P.L.326, SEC.1.) As amended by P.L.5-1995, SEC.11.

IC 20-12-0.5-12

Repealed

(Repealed by P.L.232-1987, SEC.1.)